

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS

State Building Code Appeals Board
Docket No. 05-375

BOARD'S RULING ON APPEAL

All hearings are audio recorded. The digital recording (which is on file at the office of the Board of Building Regulations and Standards) serves as the official record of the hearing. Copies of the recording are available from the Board for a fee of \$10.00 per copy. Please make requests for copies in writing and attach a check made payable to the Commonwealth of Massachusetts for the appropriate fee. Requests may be addressed to:

Patricia Barry, Coordinator
State Building Code Appeals Board
BBRS/Department of Public Safety
One Ashburton Place - Room 1301
Boston, MA 02108

Robert Eberle for K. William Krikorian,)
Appellant,)
)
v.)
)
Town of Merrimac and Philip Hagopian,)
Appellees)

Procedural History

This matter came before the State Building Code Appeals Board ("the Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, Appellant asks the Board to grant a variance from the Local Building Official's Failure to Act pursuant to the Massachusetts State Building Code ("MSBC") by lifting a Stop Work Order and granting a Building Permit for the property located at 10 Nancy Ann Lane, Merrimac, Massachusetts, 01860 . In accordance with MGL c. 30A, §§ 10 and 11; MGL c. 143, §100; 801 CMR 1.02 et. Seq.; and 780 CMR 122.3.4, the Board convened a public hearing on March 20, 2007 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Present was the Appellant Robert Eberle, Esq. representing K. William Krikorian, also present. Present and representing the Town of Merrimac Inspectional Services was Building Commissioner Philip Hagopian. Also present were State Building Inspector Paul Wakem; Thomas Price from the Town of Merrimac; and Debra Weinhold from the Town of Merrimac.

Decision: Following testimony, and based upon relevant information provided, Board members voted as indicated below.

☐..... Granted ☐..... Denied ☐..... Rendered Interpretation

☒.....Granted with conditions (see below) ☐..... Dismissed

The vote was:

☒.....Unanimous ☐..... Majority

Reasons for the Variance:

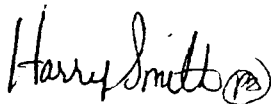
1. The Stop Work Order must be lifted in order for the Appellant to make the necessary repairs to bring the structure into compliance with the MSBC.
2. The Appellant agrees to take the necessary steps to comply with the MSBC.

Accordingly, the Board grants the variance requested by the Appellant from the Local Building Commissioner's Failure to Act provided that the following conditions are met:

1. The Appellant must pay all relevant fees to the Town of Merrimac, including the fee for a new Building Permit and the fee to remove the Stop Work Order.
2. The Appellant must correct the existing violations of the MSBC.
3. The Appellant must enlist a Structural Engineer to provide a written certification that the corrections made to the structure are acceptable and comply with the MSBC.

The motion to grant the variance was made by Member Alexander MacLeod and seconded by Chairman Harry Spence. The variance is **GRANTED with conditions**. Members voting unanimously to grant the variance were Harry Smith; Alexander MacLeod; and Keith Hoyle.

The following members voted in the above manner



Chairman -Harry Smith



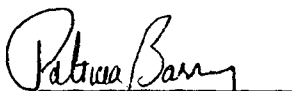
Alexander MacLeod



Keith Hoyle

A complete administrative record is on file at the office of the Board of Building Regulations and Standards.

A true copy attest, dated: October 2, 2007



Patricia Barry, Clerk

Any person aggrieved by a decision of the State Building Code Appeals Board may appeal to a court of competent jurisdiction in accordance with Chapter 30A, Section 14 of the Massachusetts General Laws.